

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARLON RICARDO JOHNSON,

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

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Civil Action No. CCB-07-607

Criminal Action No. CCB-06-362

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MEMORANDUM

Pending is a pro se pleading titled “Petition by Law by Right for Writ of Habeas Corpus & Petition by Affidavit in Commerce for Writ of Habeas Corpus” filed by Marlon Ricardo Johnson, a federal inmate.¹ On March 29, 2007, the court construed the pleading under 28 U.S.C. §2255, and granted Johnson thirty days to file a supplement providing *inter alia*, 1) all grounds for relief available to the moving party; 2) the facts supporting each ground; and 3) the relief requested. Johnson was directed to notify the court within thirty days if he did not intend to proceed under § 2255. In addition, the court apprised Johnson that if he failed to timely comply with this order, his pleading would be dismissed without prejudice for failure to state a cognizable cause of action.

Upon review of Johnson’s supplemental motion, *see* Paper No. 14, the court finds that he has failed either to set forth any cognizable grounds for a 28 U.S.C. §2255 motion to vacate, set aside or correct or indicate whether he wants to withdraw the motion. Accordingly, the court will dismiss the motion without prejudice. Lastly, Johnson is cautioned that if he intends to file a §2255 petition,

¹On December 7, 2006, the court sentenced Johnson to fifty-seven months incarceration following his entry of a guilty plea to illegal reentry of a deported alien after conviction for an aggravated felony in violation of 8 U.S.C. §1326(a) & (b)(2). Contrary to Johnson’s assertions, he is not incarcerated for commercial debt obligations owed to the United States.

a one-year limitations period applies from the date the judgment of conviction became final. A separate order follows.

April 18, 2007
Date

/s/
Catherine C. Blake
United States District Court Judge